

1 HB262

2 52310-4

3 By Representatives Boothe, Spicer, Jackson, Vance and Martin

4 RFD: Judiciary

5 First Read: 06-MAR-03

**ACT No. 2003-272**

↑  
**RECEIVED**  
MAR 11 2003  
GOVERNOR'S  
OFFICE

ENROLLED, An Act,

To amend Section 26-14-3 of the Code of Alabama 1975, relating to mandatory reporting of known or suspected child abuse or neglect, to provide for the expungement of records of information relating to reports which do not result in a conviction; to further require reporting by members of the clergy unless the information was specifically obtained in a confidential communication under existing law which would continue to be privileged; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 26-14-3 of the Code of Alabama 1975, is amended to read as follows:

"§26-14-3.

"(a) All hospitals, clinics, sanitariums, doctors, physicians, surgeons, medical examiners, coroners, dentists, osteopaths, optometrists, chiropractors, podiatrists, nurses, school teachers and officials, peace officers, law enforcement officials, pharmacists, social workers, day care workers or employees, mental health professionals, members of the clergy as defined in Rule 505 of the Alabama Rules of Evidence, or any other person called upon to render aid or medical

1 assistance to any child, when the child is known or suspected  
2 to be a victim of child abuse or neglect, shall be required to  
3 report, or cause a report to be made of the same, orally,  
4 either by telephone or direct communication immediately,  
5 followed by a written report, to a duly constituted authority.

6 "(b) When an initial report is made to a law  
7 enforcement official, the official subsequently shall inform  
8 the Department of Human Resources of the report so that the  
9 department can carry out its responsibility to provide  
10 protective services when deemed appropriate to the respective  
11 child or children.

12 "(c) When the Department of Human Resources receives  
13 initial reports of suspected abuse or neglect involving  
14 discipline or corporal punishment committed in a public or  
15 private school or suspected abuse or neglect in a  
16 state-operated child residential facility, the Department of  
17 Human Resources shall transmit a copy of school reports to the  
18 law enforcement agency and residential facility reports to the  
19 law enforcement agency and the operating state agency which  
20 shall conduct the investigation. When the investigation is  
21 completed, a written report of the completed investigation  
22 shall contain the information required by the state Department  
23 of Human Resources which shall be submitted by the law  
24 enforcement agency or the state agency to the county

1 department of human resources for entry into the state's  
2 central registry.

3 "(d) Nothing in this chapter shall preclude  
4 interagency agreements between departments of human resources,  
5 law enforcement, and other state agencies on procedures for  
6 investigating reports of suspected child abuse and neglect to  
7 provide for departments of human resources to assist law  
8 enforcement and other state agencies in these investigations.

9 "(e) Any provision of this section to the contrary  
10 notwithstanding, if any agency or authority investigates any  
11 report pursuant to this section and the report does not result  
12 in a conviction, the agency or authority shall expunge any  
13 record of the information or report and any data developed  
14 from the record.

15 ~~"(e)~~ (f) Subsection (a) to the contrary  
16 notwithstanding, a member of the clergy shall not be required  
17 to report information gained solely in a confidential  
18 communication privileged pursuant to Rule 505 of the Alabama  
19 Rules of Evidence which communication shall continue to be  
20 privileged as provided by law."

21 Section 2. Although this bill would have as its  
22 purpose or effect the requirement of a new or increased  
23 expenditure of local funds, the bill is excluded from further  
24 requirements and application under Amendment 621 because the

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1 bill defines a new crime or amends the definition of an  
2 existing crime.

3 Section 3. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.

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4 Speaker of the House of Representatives

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6 President and Presiding Officer of the Senate

7 House of Representatives

8 I hereby certify that the within Act originated in  
9 and was passed by the House 08-APR-03, as amended.

10  
11 Greg Pappas  
12 Clerk  
13

14  
15  
16 Senate

11-JUN-03

Passed

17  
  
APPROVED 6/18/03  
TIME 4:08 PM  
B. B. R. L.  
GOVERNOR

Alabama Secretary Of State

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